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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,919	12/07/2001	Timothy M. Gage	M-11998 US	6158

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EXAMINER

AILES, BENJAMIN A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/010,919

Applicant(s)

GAGE ET AL.

Examiner

Benjamin A Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☒ Claim(s) 31 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-65 have been examined.

#### ***Claim Objections***

2. Claims 31 and 55 are objected to because of the following informalities: Claim 31 currently states: "The network device of claim 6..." Examiner suggests the correct language to be "The network device of claim 26..." For examination proceedings, Examiner will assume claim 31 is dependent upon claim 26. Claim 55 currently states: "The computer program product of claim 4..." Examiner suggests the correct language to be "The computer program product of claim 54..." For examination proceedings, Examiner will assume claim 55 is dependent upon claim 54. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogier (2003/0095504), hereinafter referred to as Ogier.

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5. Regarding claims 1, 21, 36, and 51, Ogier discloses a method of establishing bi-directional connectivity of a network element in a network, the method comprising:

Receiving a first unreliable packet... (para. 0227, lines 1-9);

Storing an address of said network element... (para. 0220-0221);

Sending a reliable packet... (para. 0219); and

If an acknowledgement to said reliable packet is received... (para. 0231).

6. Regarding claims 2, 22, 37, and 52, in accordance with claims 1, 21, 36, and 51 respectively, Ogier discloses the method wherein said unreliable packet does not require a response (para. 0219).

7. Regarding claims 3, 23, 38, and 53, in accordance with claims 1, 21, 36, and 51, respectively, Ogier discloses the method wherein said reliable packet requires a response (para. 0227).

8. Regarding claims 4, 24, 39, and 54, in accordance with claims 1, 21, 36, and 51, respectively, Ogier discloses the method wherein said accepting said network element as neighbor is done by moving said address of said network element from said neighbor pending list to a neighbor list (para. 0231).

9. Regarding claims 5, 25, 40, and 55 in accordance with claims 4, 24, 39, and 54, respectively, Ogier discloses the method further comprising:

If said address of said network element is in said neighbor list... (para. 0232, lines 1-6).

10. Regarding claims 6, 26, 41, 56, in accordance with claims 1, 21, 36, and 51, respectively, Ogier discloses the method further comprising:

Determining if said address of said network element... (para. 0230).

11. Regarding claims 7, 27, 42, and 57, in accordance with claims 6, 26, 41, and 56, respectively, Ogier discloses the method further comprising:

If said address of said network element is in said dampening list... (para. 0230).

12. Regarding claims 8, 28, 43, and 58, in accordance with claims 7, 27, 42, and 57, respectively, Ogier discloses the method further comprising:

If said value of said reliability count is a maximum value... (para. 0230).

13. Regarding claims 9, 29, 44, and 59, in accordance with claims 8, 28, 43, and 58, respectively, Ogier discloses the method wherein said maximum value is predetermined (para. 0208, lines 1-7).

14. Regarding claims 10, 30, 45, and 60 in accordance with claims 8, 28, 43, and 58, respectively, Ogier discloses the method wherein said maximum value is dynamically adjusted... (para. 0219).

15. Regarding claims 11, 31, 46, and 61 in accordance with claims 6, 26, 41, and 56, respectively, Ogier discloses the method further comprising:

If said network element is not in said dampening list... (para. 0230).

16. Regarding claims 12, 32, 47, and 62, in accordance with claims 11, 31, 46, and 61, respectively, Ogier discloses the method further comprising:

Setting said neighbor hold count... (para. 0230); and

Sending a second unreliable packet... (para. 0219).

17. Regarding claims 13, 33, 48, and 63, in accordance with claims 1, 31, 36, and 51, respectively, Ogier discloses the method further comprising:

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Initiating a neighbor pending timer (para. 0212).

18. Regarding claims 14, 34, 49, and 64, in accordance with claims 12, 32, 47, and 62, respectively, Ogier discloses the method further comprising:

If said acknowledgement to said reliable packet is not received before said neighbor pending timer expires... (para. 0227, lines 18-23).

19. Regarding claims 15, 35, 50, and 65, in accordance with claims 12, 32, 47, 62, respectively, Ogier discloses the method further comprising:

If said acknowledgement to said reliable packet is received before said neighbor pending timer expires... (para. 0227),

Moving said address of said network element... (para. 0231), and

Removing said address of said network element from... (para. 0231).

20. Regarding claim 16, Ogier discloses a system for establishing bi-directional connectivity with a network element in a network comprising:

A central processing module (para. 0034); and

A neighbor pending list coupled... (para. 0005).

21. Regarding claim 17, in accordance with claim 16, Ogier discloses the system further comprising:

An input-output module coupled to said... (para. 0034); and

A counter module coupled to said central processing... (para. 0196).

22. Regarding claim 18, in accordance with claim 16, Ogier discloses the system further comprising:

A neighbor list coupled to said central processing module... (para. 0210); and

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A dampening list coupled to said central processing module... (para. 0210 and 0230).

23. Regarding claim 19, in accordance with claim 18, Ogier discloses the system wherein said maximum value is predetermined (para. 0208, lines 1-7).

24. Regarding claim 20, in accordance with claim 18, Ogier discloses the system wherein said maximum value is dynamically adjusted according to a traffic condition in said network (para. 0219).

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clare et al. (U.S. 6,414,955) disclose distributed topology learning method and apparatus for wireless networks.

Elliot (U.S. 6,456,599) discloses distribution of potential neighbor information through an ad hoc network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes, whose telephone number is (571)272-3899. The examiner can normally be reached on Monday-Friday (7:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703)872-3906.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailles@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Benjamin Ailes  
Patent Examiner  
Art Unit 2142

*Benjamin Ailes*  
Primary Examiner